

FEB 17 2004

OFFICIAL

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of HANADA et al.

Confirmation No. 3864

Application No.: 09/820,757

Filed: March 30, 2001

For: THERMOPLASTIC RESIN SHEET AND CONTAINER

T/CArt Unit: 1772

Examiner: Catherine Simone

Attorney Docket No. 7372/70910

February 16, 2004

**Petition - Request for Intervention to Correct PTO Records,  
Re-Open Patent Prosecution, and Patent Term Restoration**

Commissioner for Patents  
2011 South Clark Place  
Customer Window, Mail Stop Petitions  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Facsimile to Office of Petitions this  
U.S. Patent and Trademark Office  
16<sup>th</sup> day of February 2004, this paper  
and Exhibits A-D, total of 17 pages,  
per facsimile no. 703-308-6916 as  
confirmed by the signature  
hereinbelow.

Dear Sir:

Applicants' representative seeks (requests/petitions) intervention by the Office of Petitions in this application in order that patent prosecution can be conducted in accordance with the PTO's own established procedures whereby the timely, properly filed Amendment of July 17, 2003 is entered, the September 2, 2003 Final Rejection is withdrawn, and the patent term is restored under the AIPA.

Applicants representative filed an Amendment on July 17, 2003 (see post card attached, Exhibit A) but that Amendment was not acknowledged in the September 2, 2003 Office Action (final rejection).

Instead, the PTO has issued an advisory action on October 23, 2003 and denied entry of the July 17, 2003 Amendment.

Applicants' representative has twice sought to have the July 17, 2003 Amendment entered - as it should have been as a matter of right - as seen from Exhibits B, C and D attached hereto. As presently informed, the PTO has not responded to these papers.

**The PTO pair system appears to be inaccurate. For instance:**

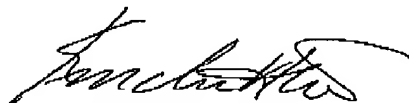
- i. The PTO pair system shows an address change as of July 18, 2003, which apparently finally reflects entry of the proper address change to the undersigned in response to several requests for correction that date back to 2001. The prior requests for address change are apparently not even in the PTO Pair system.
- ii. The PTO pair system does not show the Amendment as filed July 17, 2003.
- iii. The PTO pair system shows a re-set response period with a letter dated July 23, 2003, as to which Applicants and their undersigned representative have no knowledge, and certainly have no record of having received.
- iv. The PTO pair system does not show a docket entry corresponding to Exhibit B.
- v. The PTO pair system does not show a docket entry that correctly correlates to Exhibit C.
- vi. The PTO pair system does not show a docket entry that appears to correlate to Exhibit D.

It is not seen that Applicants or their representative should pay additional monies, or petition fees, but with the current uncertainties with practice before the PTO, they contingently petition for (a) entry of the July 17, 2003 Amendment and correction of the PTO pair records for this application; (b) withdrawal of the improper September 2, 2003 Final Rejection, and (c) restoration of patent term commensurate with the time lost due to the PTO's mistaken handling of this application, including the mis-handled July 17, 2003 Amendment, and such other further relief as may be deemed appropriate in the circumstances. Petition fee(s) for such relief may be charged to deposit account 06-1135 regarding order number 7372/70910.

If the Office of Petitions has any questions, please telephone the undersigned.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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KHC/cmg  
Date: July 17, 2003  
Atty Docket: 7372/70910

**DUE DATE:** July 17, 2003  
**Applicant(s):** HANADA et al.  
**Appl. No.:** 09/820,757  
**Filed:** March 30, 2001  
**For:** THERMOPLASTIC RESIN SHEET AND CONTAINER

Paper(s) filed:  
1) Transmittal  
2) Amendment



PLEASE DATE STAMP AND RETURN VIA COURIER

EXHIBIT  
A